

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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DAVEY NICHOLSON and CASSANDRA  
NICHOLSON,  
Plaintiffs,

v.

FRANCISCO CABRERA, DRAFT  
LOGISTICS, INC., and RACIEL  
FERNANDEZ,  
Defendants.

No. 2:25-cv-02228-SHL-cgc

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**ORDER REQUIRING PARTIES TO FILE MOTION**

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Before the Court is the Joint Stipulation for Extension of Time to Answer or Otherwise Respond to Plaintiff’s Complaint, filed June 5, 2025. (ECF No. 14.) The filing purports to give Defendant Draft Logistics, Inc., “an extension of time up through and including June 28, 2025, in which to file an Answer or other responsive pleading to Plaintiffs’ Complaint for damages and other relief.” (Id. at PageID 52.)

As a starting point, under the Federal Rules, “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time . . . on motion made after the time has expired if the party failed to act because of excusable neglect.” Fed. R. Civ. P. 6(b)(1)(B).<sup>1</sup> Because no motion has been filed, the stipulation is of no consequence. And, given that the Parties filed a stipulation rather than a motion, they have not addressed excusable neglect.

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<sup>1</sup> The Court notes that Draft Logistics, Inc., appears to have been served on May 6, 2025. (ECF No. 11.) Its responsive pleading was thus due May 27, more than a week before the filing of the stipulation. See Fed. R. Civ. P. 12(a). June 28, 2025, which is a Saturday, is thirty-two days after its deadline to file a responsive pleading, an excessively long extension.

Therefore, to the extent any Defendant seeks additional time to file a responsive pleading or to otherwise modify any deadlines in this matter, it shall first file a motion with the Court. The Court will issue show cause orders for Defendants who have not responded in a timely manner.

**IT IS SO ORDERED**, this 5th day of June, 2025.

s/ Sheryl H. Lipman  
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SHERYL H. LIPMAN  
CHIEF UNITED STATES DISTRICT JUDGE